

VICTORIA D. JOHNSON,)
)
Plaintiff,)
)
vs.) Case No.
) 1:13-cv-2012
)
UNIVERSITY HOSPITALS)
HEALTH SYSTEM, INC. and)
UNIVERSITY HOSPITALS)
PHYSICIAN SERVICES,)
)
Defendants.)

THE DEPOSITION OF CHERYL FORINO WAHL
TUESDAY, MAY 20, 2014

The deposition of CHERYL FORINO WAHL, called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Gretchen E. Windenburg, a Court Reporter and Notary Public within and for the State of Ohio, taken at the offices of Giffen & Kaminski, LLC, Suite 1600, 1300 East Ninth Street, Cleveland, Ohio, commencing at 2:12 p.m., the day and date above set forth.

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Deposition of Cheryl Wahl, taken May 20, 2014

Page 3

CHERYL FORINO WAHL DEPOSITION INDEX

EXAMINATION BY:	PAGE NO.
Mr. Herron	4
EXHIBIT NO.	PAGE NO.
Plaintiff's 16	32

1 CHERYL FORINO WAHL
2 of lawful age, called by the Plaintiff for
3 examination pursuant to the Federal Rules of
4 Civil Procedure, having been first duly sworn, as
5 hereinafter certified, was examined and testified
6 as follows:

7 EXAMINATION OF CHERYL FORINO WAHL
8 BY MR. HERRON:

9 Q I'll have you state your name, for the
10 record, ma'am.

11 A It's Cheryl Forino Wahl.

12 Q I can see where the love of Italy comes from
13 because your name is Italian.

14 Ms. Wahl, have you ever given a
15 deposition before?

16 A Yes, sir, I have.

17 Q How recently?

18 A Within the last five years.

19 Q What kind of case was that?

20 A It was a breach of privacy action.

21 Q Were you a party in that case?

22 A No, I was not.

23 Q Were you employed by one of the parties in
24 the case?

25 A Yes, I was.

1 Q I am going to be asking you some questions
2 today relative to a lawsuit that my client,
3 Victoria Johnson, has pending against
4 University Hospitals Physician Services,
5 which I am basically just going to call UH or
6 University Hospitals throughout the course of
7 this proceeding.

8 If at any time you don't understand my
9 question or something doesn't make sense to
10 you, it's important that you speak up so that
11 I can either ask you a different question or
12 rephrase the question. Okay?

13 A Okay.

14 Q And if you proceed to answer my question
15 without asking for any type of clarification,
16 we will assume that you have understood it in
17 the manner I have intended it to be
18 understood. Fair enough?

19 MR. BULEA: I am just
20 going to assert a quick objection. Quite
21 frequently what happens is a witness isn't
22 aware or doesn't know that something is
23 unclear and they go ahead and answer a
24 question. So she can't make that agreement,
25 but to the extent that she is aware that she

1 has misunderstood something, I'm sure she'll
2 tell you.

3 MR. HERRON: You totally
4 lost me, Don, but whatever.

5 Q But you'll speak up and let me know if you
6 didn't understand something. Fair enough?

7 MR. BULEA: Same
8 objection.

9 Q Yes?

10 A Sure.

11 Q And you have to give verbal responses,
12 because Gretchen can't take down nods or
13 gestures or anything like that. Okay?

14 A Yes.

15 Q Not to presume anything, but are you under
16 the influence of any medication or alcohol
17 that would affect your ability to either
18 testify truthfully today or recollect events
19 that occurred about two years ago?

20 A No, I'm not.

21 Q Where are you currently employed?

22 A University Hospitals.

23 Q What is your position at UH?

24 A I am the chief compliance officer.

25 Q Are you chief compliance officer for the

1 entirety of University Hospitals or just a
2 portion of it?

3 A For the whole system.

4 Q How long have you held that position?

5 A Since 2005.

6 Q In a nutshell -- if it's possible in a
7 nutshell -- what are your duties as chief
8 compliance officer at UH?

9 A I oversee the compliance and ethics program.

10 Q What is the compliance and ethics program?

11 A It is a system of processes and policies and
12 procedures, training, auditing that is
13 designed to ensure compliance with regulatory
14 requirements.

15 Q Any other duties in your capacity as the
16 chief compliance officer, other than those
17 which you have just briefly described?

18 A It's a very broad set of responsibilities, so
19 I tried to sum it up for you.

20 Q To whom do you report?

21 A I have a dual report to the CEO and to the
22 audit and compliance committee of the board.

23 Q What is the board that you're referring to?

24 A The governing body, which is the Board of
25 Directors for University Hospitals.

1 Q In your office, the compliance office, do you
2 have a staff?

3 A Yes, I do.

4 Q In July of 2012, other than those who were
5 purely of a clerical nature -- secretaries or
6 something like that -- who was in your staff
7 that reported directly to you?

8 A There were several individuals who serve as
9 compliance officers for various entities and
10 hospitals.

11 Q You know who Victoria Johnson is, correct?

12 A Yes, I do.

13 Q She was employed by what's called UHPS,
14 University Hospitals Physician Services,
15 correct?

16 A Yes.

17 Q Were there compliance officer or officers
18 assigned to that particular entity?

19 A Yes, there was.

20 Q In July of 2012, who were those individuals?

21 A It was -- Carole Meisler was the UHPS
22 compliance officer.

23 Q Anybody else that served in the capacity as a
24 compliance officer for UHPS, other than
25 Ms. Meisler, in July of 2012?

1 A I also had a physician compliance officer.

2 So Dr. Keith Ponitz is our physician
3 compliance officer, and he handled only
4 physician-related matters.

5 Q What was the doctor's last name?

6 A Ponitz, P-O-N-I-T-Z.

7 Q With respect to Ms. Meisler, what were her
8 duties as the UHPS compliance officer?

9 A She handled any investigations, training,
10 oversight related to UHPS activities.

11 Q How long did she serve in that capacity?

12 A I don't recall.

13 Q It's my understanding that she's no longer
14 with UHPS; is that correct?

15 A That is correct.

16 Q When was that effective?

17 A I think it was January of 2013.

18 Q Do you know where she's employed now?

19 A I do not.

20 Q Have you reviewed any documentation in
21 preparation for your testimony today?

22 A I reviewed our case notes.

23 Q What are these case notes that you're
24 referring to?

25 A It's whatever documentation Carole Meisler

1 kept in relation to her involvement with this
2 matter.

3 Q When did you review these case notes?

4 A A few weeks ago.

5 Q What was in the document packet that you
6 reviewed? What specifically do you recall
7 being in that group of case notes?

8 A There were e-mails primarily. There was a
9 letter that I wrote.

10 Q Letter that you wrote to whom?

11 A To Ms. Johnson.

12 Q Do you recall when that letter was written?

13 A It was in July of 2012. I don't recall the
14 specific date.

15 Q Other than e-mails and the letter to
16 Ms. Johnson, was there anything else in this
17 group of case notes that you reviewed?

18 A I believe there were references to
19 conversations that Ms. Meisler had.

20 Q That Ms. Meisler had with whom?

21 A In connection with her investigation of the
22 matter. So it could have been with the
23 government agency or it could have been with
24 Ms. Johnson.

25 Q What government agency did Ms. Meisler have

1 contact with, at least from the notes that
2 you reviewed?

3 A The one I remember is CGS.

4 Q Is CGS a government agency?

5 A They're a government contractor.

6 Q They have a contract with the Department of
7 Health and Human Services, correct?

8 A With the Center for Medicare & Medicaid
9 Services, yes.

10 Q Which is part of --

11 A A division of HHS, correct.

12 Q So when you referred to CGS as a government
13 agency, that was not correct, right?

14 A Correct. It's a contractor. Government
15 contractor.

16 Q Did you review any references of any
17 conversations that Ms. Meisler had with
18 either the Center for Medicare & Medicaid
19 Services or the Department of Health and
20 Human Services directly?

21 A Not that I recall.

22 Q What else that you haven't already referenced
23 do you recall seeing in the case note packet
24 that you reviewed a few weeks ago?

25 A That's about what I remember.

1 Q Other than counsel, did you discuss any of
2 these matters regarding your anticipated
3 testimony with anyone?

4 A No, I did not.

5 Q If I am reading my handwriting correctly, you
6 began as compliance officer for UH in 2005;
7 is that correct?

8 A Correct.

9 Q Prior to 2005, how were you employed?

10 A I worked in a different department within
11 University Hospitals.

12 Q What department was that?

13 A The law department.

14 Q What was your title in the law department?

15 A Associate general counsel.

16 Q How long did you hold that position?

17 A For three years.

18 Q Prior to associate general counsel, how were
19 you employed?

20 A I worked at a health system in
21 Louisville, Kentucky.

22 Q What was that entity?

23 A At the time, it was Jewish Hospital
24 Healthcare Services.

25 Q I assume from your testimony that that has

1 since changed?

2 A Correct.

3 Q What is it now known as, if you know? We're
4 going back here a little bit, so...

5 A It's owned by Catholic Health Initiatives,
6 but I don't know the name of the health
7 system. They keep changing it.

8 Q How long were you employed with that entity
9 down in Louisville, Kentucky?

10 A Five years.

11 Q I take it that since you were associate
12 general counsel at UH for a while, you have
13 attended law school?

14 A Yes.

15 Q Where did you go to law school?

16 A University of Pittsburgh.

17 Q When did you graduate from there?

18 A 1994.

19 Q Are you licensed in the State of Ohio
20 presently?

21 A Yes, I am.

22 Q In your capacity as chief compliance officer,
23 do you provide legal advice to University
24 Hospitals?

25 A No, I do not.

1 Q How did you become involved in the issues
2 pertaining to Victoria Johnson?

3 A I was copied on some e-mails related to her
4 complaint.

5 Q Who were those e-mails between that you were
6 copied on?

7 A I don't remember the very initial e-mail, who
8 it was between, but there was correspondence
9 between Victoria and Carole Meisler, which
10 may have included prior e-mails with other
11 individuals.

12 Q Who were those other individuals?

13 A I don't recall specifically without looking
14 at the e-mail.

15 Q Were they UH personnel or were they CGS
16 personnel, or personnel or individuals from
17 some other entity?

18 A I believe it was between Victoria and her
19 colleagues, people she worked with.

20 Q Her supervisors?

21 A Perhaps. I don't recall specifically.

22 Q What was the nature of the -- you referenced
23 her complaint in talking about these e-mails.
24 What was her complaint?

25 A She was concerned about the direction she was

1 given in filling out some Medicare forms.

2 Q What specifically was her concern?

3 A She was concerned with the telephone field.

4 Q What was Ms. Johnson's concern about the
5 telephone field?

6 A Her concern was that it was not the specific
7 office number for the physician.

8 Q What were these forms?

9 A They're enrollment -- provider enrollment
10 forms.

11 Q For enrolling in what?

12 A In the Medicare program.

13 Q This is what is called an 855I form?

14 A I believe that's the number.

15 Q Is that a University Hospitals form?

16 A No, it is not.

17 Q Who prepares those forms? That's a bad way
18 of putting it.

19 Whose form is it then if it's not a UH
20 form?

21 A I'm not sure I understand the question.

22 Q Well, I asked you if it was a UH form and you
23 said no.

24 A Right.

25 Q So whose form is it?

1 A It's a government form.

2 Q What is that form submitted for? I know you
3 said Medicare, but can you be a little bit
4 more specific?

5 A There's different variations on it, so I'm
6 not exactly sure what that specific form is.
7 I believe it's to indicate who your employer
8 is, where payment should be directed, has to
9 do with your enrollment in the Medicare
10 program and your reimbursement related
11 thereto.

12 Q So who would be submitting this form?

13 A I don't understand.

14 Q Well, is this a patient that would be
15 enrolling in Medicare and submitting this
16 form? Is this a doctor or a medical provider
17 that would be completing this form to enroll
18 in Medicare?

19 A Well, it would be submitted on behalf of the
20 provider.

21 Q When you say provider, you're referring to a
22 doctor, right?

23 A Or anyone who can bill Medicare.

24 Q Other than a doctor, who can bill Medicare?

25 A Nurse practitioners, certain types of

1 therapists, psychologists, dentists. There's
2 different types of providers who can receive
3 reimbursement from Medicare.

4 Q And these doctors or dentists, therapists,
5 psychiatrists, what have you, they have to
6 complete this form if they're going to
7 provide services to patients or clients that
8 have Medicare, correct?

9 A Yes.

10 Q There's rules that have to be followed in
11 filling out these forms, correct?

12 A There are instructions.

13 Q For lack of a better way of putting it, who
14 determines what those instructions are? Is
15 it UH that determines what the instructions
16 are, or is it Medicare that determines what
17 the instructions are?

18 A I think the instructions are issued with the
19 form, similar to a tax form where there's
20 instructions to the person filling out the
21 form.

22 Q So if it's a tax form -- and that's all fresh
23 in our minds from last month -- those
24 instructions would be drafted by the IRS,
25 right?

1 A Correct.

2 Q For these Medicare forms, those instructions
3 would be drafted by the Department of Health
4 and Human Services or the Center for Medicare
5 & Medicaid Services, right?

6 A Not necessarily. So they give some latitude
7 to their contractors who are processing
8 information and forms. So each contractor,
9 they're called MACs.

10 Q MACs? Is that an acronym for something?

11 A Yes.

12 Q What?

13 A It's a Medicare administrative contractor.

14 Q So it's M-A-C-S, right?

15 A A MAC.

16 Q M-A-C. So she doesn't write down M-A-X in
17 the transcript.

18 A Yeah, not M-A-X. M-A-C.

19 Q And that would be like CGS, right?

20 A Correct.

21 Q So CGS can determine what the rules are for
22 completing these provider enrollment forms?

23 A They can offer guidance to providers who have
24 questions.

25 Q Can a provider set their own rules for how to

1 complete these provider enrollment forms?

2 A A provider can complete the form in
3 accordance with how they interpret the
4 instructions.

5 Q I think you testified a few minutes ago, the
6 instructions are part of the form, right?

7 A Maybe a separate document. I'm not sure.

8 Q But the instructions are not written by UH;
9 is that correct?

10 A Correct.

11 Q When these forms are completed, they're
12 submitted to CGS, correct?

13 A Yes.

14 Q And that was the situation back in June, July
15 of 2012, correct?

16 A Yes.

17 Q Have there been other entities that have had
18 contracts with the Center for Medicare &
19 Medicaid Services regarding preparing and
20 processing these forms, at least that you're
21 aware of?

22 A Yes.

23 Q When did CGS take on that role?

24 A I don't recall.

25 Q So these forms are submitted. They're

1 completed and then they're submitted to CGS,
2 right?

3 A Yes.

4 Q And CGS reviews the forms, correct?

5 A Yes.

6 Q And CGS makes the determination as to whether
7 or not the application form is to be accepted
8 or rejected, correct?

9 A As far as I know.

10 Q I think you said that one of the concerns
11 that Ms. Johnson was having was with respect
12 to the contact number that was being used on
13 the form?

14 A Yes.

15 Q What was the issue there?

16 A She was questioning what phone number to use
17 in completing the form.

18 Q Who was she questioning that to?

19 A Ultimately, she inquired with compliance.

20 Q So ultimately that question went to you,
21 correct?

22 A It went to one of my direct reports.

23 Q Did it go to you and then did you delegate
24 that to one of your direct reports, or did it
25 go to your direct report directly? That's

1 kind of a weird way of putting it, but...

2 A I think I understand. Honestly, I don't
3 recall if she contacted me first and I
4 directed her to Carole or -- I would have to
5 review the e-mails.

6 Q Was it Victoria that contacted the compliance
7 office or was it one of her supervisors that
8 contacted the compliance office?

9 A Again, I don't remember those details.

10 Q So when the question came in from Ms. Johnson
11 as to what number to use as the contact
12 number, what did you or at least your office
13 do at that point?

14 A If it came to me directly, I would have
15 referred it to the compliance officer over
16 that area, which is Carole. And she would
17 have handled it in the normal course, which
18 would be to try to seek clarification for the
19 employee.

20 Q Who would she have sought clarification from?
21 Who would Carole, that is, have sought
22 clarification from?

23 A Any external body that's involved. In this
24 case, most likely CGS. She would have
25 reviewed any policies, any applicable

1 documents that would provide clarification.

2 Q When you're saying she, you're referring to
3 Carole Meisler, correct?

4 A Correct.

5 Q Did Carole Meisler seek any clarification
6 from you as to what the proper contact number
7 was to be?

8 A She might have, but I wouldn't know the
9 answer to that. I would have to do the
10 research myself.

11 Q If you were to research what the correct
12 contact number was to be, what would you look
13 at?

14 A You know, I would do the research. I would
15 look at the form, I would look at any
16 instructions, any documents that had been
17 issued by CGS, any guidance. I probably
18 would try to talk to somebody from CGS.

19 Q Did you look at any of the forms to determine
20 what the proper contact number was supposed
21 to be?

22 A I don't believe I did.

23 Q Did you look at any of the instructions to
24 see what the proper contact number was
25 supposed to be?

1 A I don't recall specifically. I was
2 overseeing Carole and what she was doing.
3 She may have shared that with me at some
4 point.

5 Q Did you personally review any documents
6 issued by CGS with respect to what their
7 expectations were regarding what contact
8 number was to be put on the provider
9 enrollment application form?

10 A There were excerpts of the instructions that
11 I reviewed as part of some e-mails.

12 Q What do you recall those instructions that
13 you reviewed saying?

14 A I don't -- I don't have that memorized. I
15 would have to look back at those e-mails.

16 Q Did you personally talk to anyone from CGS
17 regarding what their expectations were
18 regarding the proper contact number to be put
19 on the provider enrollment form?

20 A No, I did not.

21 Q Is it your contention that Carole Meisler did
22 all of that?

23 A Yes, I believe she handled the review and
24 follow-up on this matter.

25 Q At this time when this was going on, this is

1 end of July of 2012, right?

2 A (Indicating).

3 Q Where was your office located?

4 A My office is in Shaker Heights.

5 Q Where was Ms. Meisler's office located?

6 A She had office space in a building in Euclid,
7 as well as in my office building.

8 Q Did you sit in on any phone conversations
9 that Ms. Meisler had with anyone at CGS --

10 A No, I didn't.

11 Q -- regarding these matters?

12 A No, I did not.

13 Q Are you familiar with what is called the
14 program integrity manual that the -- I think
15 it's the Center for Medicare & Medicaid
16 Services issues?

17 A Yes.

18 Q In July of 2012, did you have an up-to-date
19 copy of that manual available to you?

20 A Sure. They're available.

21 Q Did you have a copy in your office?

22 A No, I don't keep paper copies.

23 Q Did you have a copy available online that you
24 could look at?

25 A Sure.

1 Q Would Ms. Meisler have had that available to
2 her as well, either in paper or online?

3 A I would assume so.

4 Q Well, during this time when this inquiry was
5 ongoing, did you personally review anything
6 in the program integrity manual to determine
7 what the expectations were regarding what
8 contact number was to be put on these
9 applications?

10 A I would have reviewed whatever was discussed
11 via e-mail.

12 Q I'm sure you reviewed the e-mails that were
13 sent to you. My question was: Did you
14 review the program integrity manual at all
15 during this timeframe to see what it said
16 regarding what contact number was to be put
17 on the application form?

18 A I don't recall specifically.

19 Q Now, at least from your understanding, ma'am,
20 what was the issue regarding the contact
21 number? What was the problem that Victoria
22 was having?

23 A She was concerned that the number provided
24 was to her area and not directly to a
25 physician's office.

1 Q The number that she was being told to put
2 down on these application forms was the
3 number that rang at her desk, correct?

4 A I believe that's correct.

5 Q The requirement was that the contact number
6 be a number that the physician or provider --
7 since they're not all physicians, it goes
8 beyond physicians -- that the provider can be
9 reached directly at, correct?

10 A I'm sorry, could you repeat that?

11 Q The requirement was that the contact number
12 that be put on these forms was a number that
13 the provider could be directly reached at,
14 correct?

15 A I would have to go back and look at what the
16 instructions say. I don't know what the,
17 quote, unquote, requirement says.

18 Q Did you know back in July 2012 what the
19 requirement was?

20 A I had an understanding based on my
21 discussions with Carole.

22 Q What was your understanding based upon the
23 discussions that you had with Carole?

24 A That the number would -- the number provided
25 would be someone CGS could call and ask

1 questions about the application, about the
2 form.

3 Q What was the source of your understanding in
4 that regard?

5 A My discussions with Carole and my review of
6 her findings.

7 Q So your understanding in that regard was not
8 based upon anything that anyone at CGS
9 personally told you, correct?

10 A I didn't have any direct conversations with
11 anyone at CGS.

12 Q So your understanding in that regard would
13 not have been based upon anything told to you
14 personally by CGS, correct?

15 A My understanding was based on my review of
16 Carole's research.

17 Q And the research that Carole Meisler did
18 included talking with people in CGS, correct?

19 A Correct.

20 Q So you relied upon what she related to you
21 about what people from CGS told her, correct?

22 A Correct.

23 Q In anything that Ms. Meisler provided you
24 with, did she provide you with any
25 correspondence or e-mails that she had

1 received directly from personnel at CGS
2 regarding what contact number to put on these
3 application forms, or did she rather relay to
4 you phone conversations that she had had?

5 A I don't recall if there was correspondence.
6 I know there were phone calls.

7 Q And you didn't participate in any of these
8 phone calls or listen in on any of them,
9 correct?

10 A No.

11 Q Not correct?

12 A No, I did not.

13 Q Was one of the issues that came up during
14 this investigation about what contact number
15 to use, an issue as to whether or not the
16 physician or provider, rather -- I'll use the
17 term provider -- was expected to directly
18 answer the phone if CGS contacted that
19 number? Do you recall that issue ever coming
20 up?

21 A I'm sorry, could you repeat it? That was a
22 long question.

23 Q Was one of the issues that was looked into
24 during this investigation the issue of
25 whether or not there is any expectation that

1 a provider directly answer the phone at the
2 number that was being given as the contact
3 information on the enrollment application?

4 A Yes. That was Ms. Johnson's belief.

5 Q Did Ms. Johnson tell you that was her belief,
6 that the provider had to directly answer the
7 phone at that number?

8 A I know that was her concern.

9 Q How do you know that was her concern? Did
10 she tell that to you personally?

11 A It may have been in the e-mail
12 correspondence.

13 Q Did you ever have any conversation with
14 Ms. Johnson about what her concerns were?

15 A I don't recall if I spoke to her by phone.

16 Q Did you ever meet with her?

17 A I have never met her.

18 Q You wouldn't know what she looked like if you
19 were to pass her on the street?

20 A No, I would not.

21 Q Did you have any e-mail exchanges directly
22 with her about this whole issue?

23 A Not that I can recall, no. The only direct
24 correspondence I remember having is the
25 letter that I signed.

1 Q So if my understanding of your testimony is
2 correct here today, everything that you
3 learned as a result of this investigation
4 came from what Carole Meisler informed you
5 of; is that correct?

6 A I was cc'd on a variety of e-mails and I
7 think some of them came directly from
8 Victoria.

9 Q Did you do any independent investigation or
10 research into what the correct number was or
11 what the expectations were at CGS as to what
12 contact number was to be put on these
13 enrollment applications?

14 A I reviewed the material that Carole
15 researched.

16 Q Aside from reviewing the material that Carole
17 Meisler researched and provided to you, did
18 you seek input from any other source as to
19 what the requirements were with respect to
20 what this contact number had to be on these
21 provider enrollment applications?

22 A Not that I recall.

23 Q And just answer yes or no to this for the
24 moment. Did you seek any advice or counsel
25 from the hospital's legal department about

1 this matter?

2 MR. BULEA: Objection.

3 I'm not going to let her discuss anything
4 that she did or didn't seek legal counsel
5 about.

6 MR. HERRON: Well, I didn't
7 ask the content of any advice that she was
8 given, but simply whether or not she
9 consulted with legal counsel. I don't think
10 that calls for disclosure of anything that
11 would be privileged. The fact that a meeting
12 occurred or a conversation occurred is
13 different.

14 MR. BULEA: I think the
15 question was whether she went to legal
16 counsel for advice about a specific issue.

17 MR. HERRON: And I said
18 just answer yes or no for the moment.

19 MR. BULEA: All right. As
20 long as it's not anything further than
21 whether or not something was -- I guess I'll
22 let her answer the question if it's a simple
23 yes or no. And if you said that, I must have
24 missed it.

25 A I don't recall.

1 Q Fair enough.

2 - - - - -

3 (Plaintiff's Exhibit No. 16 was marked.)

4 - - - - -

5 Q We have handed you what's been marked as
6 Exhibit 16, which is probably about 80 pages'
7 worth of documents. Have you seen these
8 pages prior to today?

9 A I believe I have. I mean, I would have to go
10 page-by-page through to be certain, but...

11 Q These wouldn't be the case notes that you
12 referred to earlier, would they?

13 A They may be sections from the case notes.

14 Q Let me know when you're done looking through
15 it.

16 A Okay.

17 Q Let's start at the first page of exhibit --
18 well, the first three pages of Exhibit 16.
19 It appears to be a summary or a chart of
20 steps that were taken as part of this
21 investigation; is that correct?

22 A Yes.

23 Q Have you seen this particular chart before
24 today?

25 A Yes.

1 Q Did you prepare this chart?

2 A No, I did not.

3 Q Do you know who did?

4 A I believe Ms. Meisler prepared it.

5 Q Do you know that for certain? Because you
6 said you believe that she prepared it.

7 A It's my belief.

8 Q Did Ms. Meisler provide this to you after she
9 prepared it?

10 A I was copied on it.

11 Q Do you recall when it was that you first
12 received the chart portion of Exhibit 16?

13 A I don't recall.

14 Q Was it in and around July of 2012 or was it
15 some point after that?

16 A It was in July.

17 Q In the chart there's a reference to documents
18 that are attached, correct? Fourth column
19 in, I believe.

20 A Yes.

21 Q Were the documents that are referenced
22 attached to the report when it was provided
23 to you -- or attached to the chart, rather,
24 when it was provided to you?

25 A Yes.

1 Q Let's start out and go through the various
2 e-mails that are in here, starting at Bates
3 stamped page number 1436.

4 A Okay.

5 Q 1436 through 1438 is an e-mail exchange from
6 July -- at least the first two pages of it
7 are some e-mails that were dated July 16 and
8 July 17, correct?

9 A Yes.

10 Q And these e-mails, the one on July 16, is
11 from Ms. Johnson to her boss, Mr. Riddle,
12 correct?

13 A I don't know if she directly reported to him
14 or not.

15 Q Well, it's from Ms. Johnson to Mr. Riddle,
16 correct?

17 A Yes.

18 Q I know you're not listed on the cc, but did
19 you ultimately receive a copy of the e-mail
20 that Ms. Johnson sent to Mr. Riddle?

21 A Yes. She forwarded it to me the next day.

22 Q It was forwarded to you by whom?

23 A Ms. Johnson.

24 Q Had you had any contact with Ms. Johnson
25 before either the 16th or the 17th regarding

1 the issues that she had regarding what phone
2 number to put on the Medicare applications?

3 A Not that I recall, no.

4 Q To the best of your recollection then, is
5 this the first that you learned of these
6 concerns, July 16 and July 17?

7 A Yes.

8 Q Do you know whether prior to July 16 and 17
9 there had been any concerns raised by anybody
10 else in the office that Ms. Johnson was
11 working in regarding what contact number was
12 to be put on these Medicare applications?

13 A No.

14 Q In the e-mail at the top, which is dated
15 July 17, that's from you to Ms. Morrison and
16 Ms. Meisler, correct?

17 A Yes.

18 Q You said to Tina, let's discuss. And Tina is
19 Christina Morrison, correct?

20 A Correct.

21 Q Do you recall what you and Ms. Morrison
22 discussed?

23 A I believe she spoke to Carole, not to me.

24 Q So you did not have a conversation with Tina;
25 is that your testimony?

1 A Not that I remember.

2 Q What is your understanding as to what the
3 office that Ms. Johnson worked in -- Victoria
4 Johnson worked in? There's a couple of
5 people with the last name Johnson involved in
6 this case. We'll stick with Victoria here.

7 What is your understanding as to what
8 her office did?

9 A My understanding is they completed the
10 provider enrollment forms.

11 Q Was the office that she worked in what would
12 be considered a billing service?

13 A It's the physician service office.

14 Q What does the physician services office do,
15 at least as far as your understanding is?

16 A They assist physicians and providers with
17 credentialing, with risk management, with
18 human resource issues, a whole cadre of
19 services.

20 Q Does that cadre of services include billing
21 for the services provided by those
22 physicians?

23 A Depends on the relationship the physician has
24 with UHPS.

25 Q So there would be some groups of physicians,

1 based upon their relationship, that the
2 physician services would do billing for?

3 A Some, yes.

4 Q What groups, types of groups, or
5 classifications, or however UH would classify
6 it?

7 A Mostly employed physicians, but others.
8 Depends on what the contract with the
9 physician is. We have physicians who are not
10 employed who receive -- who pay for certain
11 services from UHPS.

12 Q So UHPS would do billing for some groups of
13 physicians, depending upon whether they were
14 employed by University Hospitals or had a
15 contract that provided for that, correct? Is
16 that what you're saying?

17 A Among other services, yes.

18 Q So we have an e-mail on the page that's Bates
19 stamped 1437 from Steve Riddle to several
20 individuals, including Victoria Johnson. Do
21 you see that?

22 A I do.

23 Q Mr. Riddle was the director of billing
24 services, or at least that's what he's
25 identified as, correct?

1 A Appears that way.

2 Q Do you have any reason to dispute that that
3 is what his title was?

4 A No.

5 Q At the time this e-mail was written?

6 A No.

7 Q Do you know who some of these individuals are
8 that this e-mail was sent to? Do you know
9 who Jordan Hasselstrom is?

10 A I do not.

11 Q Do you know who Sheryl Johnson is?

12 A I believe she is Victoria's boss.

13 Q Do you know what her title was at that time?

14 A I can see on her e-mail it says provider
15 services manager.

16 Q Do you know who -- it's either Blanca or
17 Bianca Barnes is?

18 A No, I do not.

19 Q Do you know who Barbara Hirter is?

20 A No.

21 Q Kristine Sohn?

22 A No.

23 Q Have you ever heard those names before today?

24 A No.

25 Q And the subject is regarding Medicare

1 applications, correct?

2 A Yes.

3 Q Mr. Riddle indicates in that e-mail that they
4 are a billing company, correct?

5 A I'm sorry, what was your question?

6 Q Mr. Riddle indicates in that e-mail to those
7 individuals, whose names I just rattled off,
8 that, quote, we are a billing company. Those
9 are the five words there, correct?

10 A I'm not understanding your question,
11 Mr. Herron. Sorry.

12 Q Prior to today, had you seen this e-mail from
13 Mr. Riddle dated June 29 of 2012 to the
14 various individuals to whom it was sent?

15 A I have seen it, yes.

16 Q When did you first see this e-mail?

17 A On July 17, 2012.

18 Q How do you interpret this e-mail?

19 A So he's providing instruction to his staff.

20 Q What's your understanding of the instruction
21 that he was providing to his staff?

22 A He's giving them instruction on how to answer
23 the phone.

24 Q What instruction is he giving to his staff on
25 how to answer the phone?

1 A In such a way that it is not determined that
2 we are a billing company.

3 Q Do you interpret that to mean as Mr. Riddle
4 instructing his staff to be dishonest when
5 they answer the phone?

6 A No, I do not.

7 Q To be misleading when they answer the phone?

8 A No, I do not.

9 Q Why not? Why do you not come to that
10 interpretation?

11 A Because this office is not a billing office.

12 Q Do you know what MP billing services line
13 means?

14 A MP refers to medical practices.

15 Q So medical practices, do they have a -- what
16 is medical practices billing services? What
17 does that phrase mean to you?

18 A It's not a familiar phrase. It's not
19 something we use.

20 Q Did you have any conversation with Mr. Riddle
21 about this e-mail at any point in time?

22 A No, I did not.

23 Q In your role as a compliance officer, would
24 it cause you concern if a supervisor, like
25 Mr. Riddle, was instructing his employees to

1 be deceptive when they answer the phone as to
2 exactly what their function was?

3 A Yes, it would cause me concern.

4 Q Why would it cause you concern?

5 A Because we promote an ethical culture at UH.

6 Q One of the requirements that CGS had at this
7 point in time for the contact number was that
8 they did not want it to be a billing service;
9 is that correct?

10 A I would say they wanted the number to be a
11 number where the person could answer
12 questions about the application and/or reach
13 the provider if needed.

14 Q What type of questions do you believe that
15 CGS would have to ask a provider regarding
16 his or her application?

17 A Verify the information in the application.

18 Q What type of information would they seek to
19 verify?

20 A Address, their unique identifier, whatever
21 information is on the form.

22 Q Their medical degree?

23 A I'm not sure.

24 Q Any specializations that they have?

25 A I don't know specifically.

1 Q Where they're employed?

2 A Possibly.

3 Q Now, UH is not just confined to the

4 University Circle area, correct? UH has

5 physicians in facilities all over the

6 northern quadrant of Ohio, correct?

7 A Yes.

8 Q I think I recall from earlier depositions, 12

9 or 16 counties?

10 A I'm not sure.

11 Q But it's several, right?

12 A Yes.

13 Q Do you have any understanding as to how far

14 east UH goes?

15 A Ashtabula.

16 Q How far west?

17 A Sandusky.

18 Q How far south?

19 A Medina.

20 Q I guess you can't go north. Any further

21 south than Medina? The Akron area, the

22 Canton area?

23 A I'm not sure.

24 Q Youngstown area?

25 A I'm not sure.

1 Q And there are physicians and physician groups
2 that are affiliated with UH that are located
3 throughout this area as well, correct?

4 A Yes.

5 Q Who have their offices not necessarily at a
6 hospital, correct?

7 A In medical office buildings, correct.

8 Q If those individuals are going to provide
9 services to Medicare-eligible patients, they
10 have to complete the same form and submit it
11 to CGS and have it approved, correct?

12 A Yes.

13 Q And that's all handled through the office
14 that Victoria Johnson was working out of,
15 correct?

16 A Yes.

17 Q If you call Ms. Johnson's desk number, can
18 you reach a physician who's out in Ashtabula?

19 A Sure.

20 Q How?

21 A She patches the call through.

22 Q Do you know if she can do that or are you
23 assuming that she can do that?

24 A We have the same phone system, so she should
25 be able to do that.

1 Q She should be able to just put the guy on
2 hold?

3 A Conference in the physician's office and
4 patch the call through.

5 Q She has to directly dial the physician's line
6 then, correct?

7 A Most likely, yes.

8 Q So if the physician were a phone number out
9 in Ashtabula, she would have to set up a
10 conference call between the CGS person and
11 that number, correct?

12 A I don't know what you mean by a conference
13 call.

14 Q Well, you're the one that used the term
15 conference call.

16 MR. BULEA: No, she
17 didn't.

18 A I said she would have to conference them in,
19 but that's not -- a conference call to me is
20 an 800 number that you dial and several
21 people dial in to at the same time. That's
22 not what I was referring to.

23 Q Have you ever participated in any type of
24 call where you've conferenced in --

25 A Yes.

1 Q -- another physician? Okay.

2 If somebody were to call your line at
3 your office out in Shaker, could you just put
4 that person on hold, dial the extension for a
5 physician out in Ashtabula, and get that
6 physician on the line? Or would you have to
7 direct dial that physician's actual area code
8 and phone number to put them on the line?

9 A Would I have to dial their extension?

10 Q Yes.

11 A I'm not sure.

12 Q So you don't know if a physician out in
13 Ashtabula could be directly contacted by
14 calling Victoria Johnson's desk phone; is
15 that correct?

16 A A physician could be contacted directly.

17 Q But in order to do that, Victoria would have
18 to conference that person in, correct, to use
19 your language?

20 A Yes.

21 Q If Victoria were to hang up that call then
22 after conferencing that person in, would the
23 whole call be disconnected or would the
24 person from CGS still be on the line with
25 that doctor?

1 A She would be transferring the call, so no,
2 she would not disconnect.

3 Q Have you ever actually done that?

4 A Yes.

5 Q How many times have you done that?

6 A Every day.

7 Q Were you doing that in July 2012?

8 A Yes.

9 Q If you go to Bates stamped page 1439, this is
10 an e-mail from Ms. Meisler to you, correct?

11 A Yes.

12 Q Dated July 17?

13 A Yes.

14 Q It's your understanding that this reflects a
15 conversation that Carole Meisler had with
16 someone at CGS by the name of Melissa,
17 correct?

18 A Yes.

19 Q Do you know what Melissa's last name is?

20 A I do not.

21 Q Did you forward this information that you
22 received from Ms. Meisler on to Victoria
23 Johnson at any point?

24 A No, not that I recall.

25 Q I take it that you never personally spoke

1 with Melissa; is that correct?

2 A Correct.

3 Q Did you rely upon the information that
4 Ms. Meisler provided to you from her
5 conversation with Melissa for any purposes?

6 A What purposes?

7 Q I'm asking you if you relied on it for any
8 purposes.

9 A I relied on this e-mail as validation that
10 Carole spoke with this gal from CGS and, as
11 she indicated, she would follow up with
12 Victoria, which is our normal practice.

13 Q But you didn't rely on this e-mail just
14 simply to confirm to you that conversation
15 occurred between this Melissa person and
16 Carole; is that correct?

17 Did you rely upon the information that
18 Carole related that she received from Melissa
19 for any purposes?

20 A I'm not understanding you.

21 Q Let me back it up here. Carole Meisler, in
22 this e-mail to you dated July 17, relates to
23 you a conversation she had with someone named
24 Melissa?

25 A Yes.

1 Q You've never personally spoken with Melissa,
2 correct?

3 A Correct.

4 Q You don't know who Melissa is, correct?

5 A She's with CGS customer service.

6 Q But you have never met Melissa?

7 A No.

8 Q You don't know Melissa's last name, you have
9 never spoken to Melissa. Carole Meisler
10 relates information she received from this
11 Melissa person, correct?

12 A Yes.

13 Q Did you rely upon that information that
14 Carole claimed that she received from Melissa
15 for any purposes?

16 A Yes.

17 Q What purposes did you rely upon that
18 information for?

19 A For purpose of ensuring that this matter was
20 appropriately investigated.

21 Q So you assumed that what Carole claimed
22 Melissa told her was accurate, correct?

23 A I believe -- I assumed that what she said was
24 a reflection of their conversation.

25 Q Well, what Carole was relating to you was the

1 substance of her conversation with Melissa,
2 correct?

3 A Yes.

4 Q Regarding what CGS's expectations were
5 regarding the contact number, correct?

6 A Yes.

7 Q If you had felt that upon reading it that
8 what Carole was claiming Melissa stated was
9 somehow inaccurate, would you have relied
10 upon it for anything?

11 A No.

12 Q So you assumed that the information that
13 Carole was relating that Melissa told her was
14 accurate, correct?

15 A I assumed that this was an accurate reference
16 to their discussion.

17 Q You assumed that the information that Carole
18 claimed Melissa gave her was correct?

19 A Yes.

20 Q To your knowledge, when Carole Meisler spoke
21 with this Melissa person, did she relate to
22 Melissa what University Hospitals Physician
23 Services did?

24 A I don't know.

25 Q Did she ever relate to you having any

1 conversations -- Carole, that is, ever relate
2 to you having any conversations with CGS
3 where she explained what functions UHPS
4 provided to the UH community?

5 A Not in this discussion, no.

6 Q If we go to page 1442. Are you there?

7 A Uh-huh.

8 Q Oh. You're ahead of me.

9 MR. BULEA: Telepathic, I
10 guess.

11 Q This is an e-mail from Carole Meisler to
12 Victoria Johnson dated July 17, correct, with
13 a copy to you?

14 A Yes.

15 Q We talked about this a moment before. We
16 talked about this for a moment earlier,
17 rather. According to Ms. Meisler, she
18 inquired of CGS as to whether a physician
19 must answer the contact telephone number.

20 Did Victoria Johnson ever state that
21 she was being told by someone at CGS that a
22 physician must answer the contact telephone
23 number?

24 A I think that was her contention.

25 Q Did you ever see that in writing or in an

1 e-mail anywhere, that Victoria Johnson's
2 concern was that she was being told by CGS
3 that a physician must answer the contact
4 telephone number?

5 A I would have to review the correspondence.

6 Q You want to take a few minutes and do that
7 before answering my question?

8 A Sure.

9 MR. HERRON: Then we'll
10 take a break to let the witness review.

11 (Recess from 3:25 p.m. to 3:27 p.m.)

12 THE WITNESS: Can you read
13 back the question, please?

14 - - - - -

15 (Record read.)

16 - - - - -

17 A So yes.

18 Q And what page are you referring to?

19 A 1449.

20 Q Where on 1449 do you see Ms. Johnson stating
21 that?

22 A She says, bottom line is that if they cannot
23 be reached directly at this number and if
24 they were to call the number we put on the
25 application and no one answered, the

1 voicemail greeting would not be one of the
2 provider.

3 Q So where in there is she stating -- Victoria,
4 that is, stating that she's being told that
5 the physician -- or the provider, rather,
6 must be the one answering the phone? She
7 doesn't state that, does she?

8 A So on 1445 she says, when asked by the
9 fee-for-service as to whether the provider
10 can be reached directly as this is the
11 number.

12 Q She states that she was told that they were
13 not expected to answer the phone personally;
14 just to be able to be reached at that number
15 directly, correct?

16 A Whether the provider can be reached directly
17 at that number.

18 Q And that's different from expecting the
19 provider to answer that phone personally,
20 correct, if the provider has a secretary
21 or --

22 A I don't believe that was --

23 Q -- a receptionist -- if the provider has a
24 secretary or a receptionist that answers the
25 phone and can put you through to the

1 provider?

2 A Yes. But that wasn't your prior question,
3 Mr. Herron.

4 Q That's exactly my point. My prior question
5 was where did Victoria Johnson state that she
6 was being told by CGS that they had an
7 expectation that the provider be the one
8 answering the phone. And she never stated
9 that, did she?

10 A No.

11 Q Now, if we look at pages -- I know it's in
12 here probably a couple of places, but 1450
13 and 1451, there's an e-mail from an
14 individual by the name of Ms. Kim, correct?

15 A Yes.

16 Q Who is a provider enrollment analyst for CGS,
17 correct? Or at least that's how she
18 identifies herself, right?

19 A Yes.

20 Q And Ms. Kim sent an e-mail to Ms. Johnson on
21 July 19, 2012, correct?

22 A Yes.

23 Q In Ms. Kim's e-mail, she states that they are
24 required to provide a valid correspondence
25 phone number where the provider can be

1 reached directly, correct?

2 A Yes.

3 Q And Ms. Kim, on behalf of CGS, states, if no
4 one is available to answer the phone when
5 called, the voicemail greeting should clearly
6 state the provider's name, correct?

7 A It appears she's quoting from the form.

8 Q That's what Ms. Kim stated in her e-mail to
9 Ms. Johnson that their expectation was,
10 correct?

11 A She's referencing what's on the form.

12 Q But if Ms. Kim is stating that that is what
13 CGS's expectation is, isn't that then what
14 UHPS should be doing?

15 A Provided the information is accurate.

16 Q Did you undertake any investigation on your
17 own to determine whether or not the
18 information that Ms. Kim was providing was
19 accurate?

20 A No, I did not.

21 Q Did Ms. Meisler, to your knowledge, undertake
22 any type of investigation to determine
23 whether or not the information Ms. Kim was
24 providing was accurate?

25 A Yes, she did.

1 Q And that would be the conversation that
2 Ms. Meisler had with Melissa, correct? Is
3 that what she did or did she do something
4 else?

5 A No, I believe the conversation with Melissa
6 predated this letter from Ms. Kim.

7 Q Because the e-mail from Ms. Kim to Victoria
8 Johnson was on July 19 at 3:01, correct?

9 A Yes.

10 Q Ms. Johnson forwarded that e-mail to you and
11 to Ms. Meisler at 3:09, correct?

12 A Yes.

13 Q And Carole Meisler responded to that at 3:40,
14 correct?

15 A Yes.

16 Q And gave you a copy, correct?

17 A Yes.

18 Q According to Ms. Meisler, she went online and
19 looked at a form, correct?

20 A Yes.

21 Q Did you look at that form as well?

22 A No, I did not.

23 Q Did Ms. Meisler forward to you a copy of the
24 form that she looked at?

25 A Not that I recall.

1 Q To your knowledge, did Ms. Meisler forward to
2 Victoria Johnson a copy of the form that she
3 looked at?

4 A I don't know.

5 Q Have you at any point ever looked at the form
6 that was in effect at that point in time to
7 determine what it said or didn't say?

8 A I don't recall.

9 Q You indicated earlier that you were familiar
10 with what the program integrity manual is,
11 correct?

12 A Uh-huh.

13 Q Yes?

14 A Yes.

15 Q The program integrity manual contains
16 instructions on how to complete the form,
17 correct?

18 A Yes, it does.

19 Q And the program integrity manual gets changed
20 or amended from time to time to time,
21 correct?

22 A Yes.

23 Q I know that Ms. Meisler indicated in her
24 e-mail after receiving the e-mail forward
25 from Ms. Kim, that she went and looked at the

1 form -- or the application, that's the term
2 she used, I believe.

3 Do you know if she went and looked at
4 the program integrity manual to see what it
5 said at that point in time?

6 A I don't know.

7 Q Did you go look at the program integrity
8 manual at that point in time to see what it
9 said regarding the contact number?

10 A No, I did not.

11 Q You had that available to you, correct?

12 A It's available online.

13 Q If you would have had to have accessed that
14 in July of 2012, how long would it have taken
15 you in your system to access that, the
16 program integrity manual?

17 A Probably not very long.

18 Q Is that something that you have to consult
19 with frequently as part of your job?

20 A No, it is not.

21 Q Would you just access that program integrity
22 manual over the internet, or is it something
23 that you would have stored on your hard
24 drive?

25 A No. It would be through a service.

1 Q What is the main operator number for
2 University Hospitals -- or strike that.

3 What was the main operator number for
4 University Hospitals in July of 2012?

5 A We have many numbers. There's a main number
6 for Case Medical Center. Is that what you
7 mean?

8 Q Is there a main number that somebody can
9 contact at UH that can put them in touch with
10 anybody that's a UH employee?

11 A I mean, you could call the hospital operator
12 and they have access to our directory.

13 Q Do you know what that number was in July of
14 2012?

15 A Probably 844-1000.

16 Q Why not use that number as the contact number
17 for the physicians on the provider enrollment
18 application form?

19 A Because they have no involvement with the
20 completion of the 855 forms.

21 Q Did CGS ever indicate that using that main
22 operator number would be acceptable to it?

23 A I don't know.

24 Q If you go to pages 1469 and 1470. Do you
25 recall seeing a copy of the e-mail that

1 Victoria Johnson received from an Andrew
2 Baumann?

3 A It appears she forwarded it to me.

4 Q Do you recall reading Mr. Baumann's e-mail to
5 Victoria Johnson?

6 A Yes.

7 Q According to Mr. Baumann, the contact number
8 had to be either a home number that the
9 voicemail identifies the provider or at the
10 location where the provider will be working.

11 Do you recall reading that in
12 Mr. Baumann's e-mail?

13 A Yes.

14 Q Do you believe that Mr. Baumann is wrong?

15 A I believe that this can be interpreted in
16 other ways.

17 Q Well, what other ways can it be interpreted
18 other than what Mr. Baumann wrote?

19 A That the number can be a line that can access
20 the physician.

21 Q But Mr. Baumann uses the words, at the
22 location where the providers will be working,
23 correct?

24 A Right.

25 Q There are no providers working at the

1 location where UHPS's offices were, right,
2 the building out in Euclid on Euclid Avenue?

3 A Yeah, I don't believe there are any.

4 Q So the location where Ms. Victoria Johnson's
5 phone line rang was not a location where
6 providers would be working, correct?

7 A She could access the physicians where they
8 are working.

9 Q Ms. Johnson's desk phone, the phone number
10 that she was being told to put down on these
11 applications, did not ring at a location
12 where the providers would be working,
13 correct?

14 A Correct.

15 Q By the way, I know you're following through
16 this as I'm flipping through it. Is this
17 refreshing your recollection as to whether
18 this was the case packet that you reviewed?

19 A I don't know that this is the printout from
20 our system, but this is largely what is in
21 there, yeah.

22 Q The letter that you referenced that you
23 wrote, that would be page 1483?

24 A Yes.

25 Q Did you have any other correspondence to

1 Victoria Johnson, other than this letter,
2 which if I am reading it right is dated
3 July 23 of 2012?

4 A Not that I recall.

5 Q On 1485 and 1486, there's an e-mail to
6 Victoria Johnson from a Shamekia McLaughlin.
7 Do you recall seeing that e-mail before?

8 A Yes.

9 Q That e-mail quotes program integrity manual,
10 correct?

11 A Uh-huh.

12 Q Yes?

13 A Yes.

14 Q This e-mail from Ms. McLaughlin to
15 Ms. Johnson is the culmination of a series of
16 e-mails between those two individuals that
17 stemmed from an application that was
18 rejected, correct?

19 A Yes.

20 Q The application that was rejected related to
21 a provider by the name of -- I hope I'm
22 pronouncing this right -- Pankaj Gupta?

23 A Yes.

24 Q Sound about right?

25 A Yes.

1 Q P-A-N-K-A-J, G-U-P-T-A. And the reason that
2 this provider's application was rejected, in
3 part, pertained to the contact number that
4 was provided on the application, correct?

5 A Yes.

6 Q And the contact number that was provided on
7 the application was the one that Victoria
8 Johnson had been instructed to provide,
9 correct?

10 A I don't know.

11 Q Well, you received this series of e-mails,
12 correct, at some point in time?

13 A It appears that way.

14 Q And you knew that this series of e-mails
15 related to the rejection of this provider,
16 Pankaj Gupta's, application, correct?

17 A Yes.

18 Q Did you, yourself, do any follow-up to review
19 the application that had been submitted --

20 A No, I did not.

21 Q -- on this provider's behalf?

22 A No.

23 Q Do you know if Ms. Meisler did?

24 A I would have to review the rest of the
25 correspondence here.

1 Q By the way, do you know where this provider,
2 Pankaj Gupta, worked out of --

3 A I do not.

4 Q -- what his work location was? Do you know
5 what type of provider he was? Was he a
6 physician, was he --

7 A I do not.

8 Q I think we have pretty much gone through the
9 key e-mails that are in Exhibit 16. I know
10 that they're reproduced probably 15 times a
11 piece.

12 But are there any other documents that
13 you recall reviewing, as part of the case
14 packet that you talked about at the beginning
15 of the deposition, that you don't recall
16 seeing in Exhibit 16?

17 A No.

18 Q Is there anything of a documentary nature
19 that you're aware of, that is not included in
20 Exhibit 16, that pertains to the
21 investigation that your office and
22 Ms. Meisler undertook?

23 A No.

24 Q I think I asked you this earlier, but did you
25 have any phone conversations with Victoria

1 Johnson about any of these matters?

2 A Not that I recall.

3 Q Did you ever go out to the office location
4 where Victoria Johnson worked to discuss
5 these issues with any of her supervisors,
6 Mr. Riddle, Sheryl Johnson?

7 A No, I did not.

8 Q Did you ever have any conversations with the
9 human resources officer out at that location,
10 Christina Morrison, regarding these matters?

11 A Not that I recall. That would all be the
12 responsibility of Ms. Meisler. I have a
13 whole staff of compliance officers and they
14 handle their own cases.

15 Q And they report back to you to keep you in
16 the loop, so to speak, right?

17 A Correct.

18 Q Do you have a recollection as to how many
19 individuals at CGS Ms. Meisler spoke with?

20 A Several.

21 Q And she related all of those conversations to
22 you?

23 A It appears she did.

24 Q Were those all related to you in the course
25 of the e-mails that we have gone through, or

1 did she relate any of those to you -- any
2 personal conversations or telephone
3 conversations?

4 A Yes, we had additional conversations.

5 Q Did you keep notes of any of the phone
6 conversations that you had with Carole
7 Meisler regarding the issue with the contact
8 number that Victoria Johnson had?

9 A No, I did not.

10 Q Did Ms. Meisler provide you with copies of
11 any notes that she took regarding any of the
12 conversations that she had with CGS
13 personnel?

14 A No, she did not.

15 Q To your knowledge, did Ms. Meisler engage in
16 any e-mail exchanges with personnel of CGS?

17 A I don't know.

18 Q Did she forward any copies of any e-mails
19 between her and CGS personnel to you?

20 A Not that I recall.

21 Q Did you have any direct e-mail conversations
22 between any of Victoria Johnson's supervisors
23 regarding these issues?

24 A Not that I recall.

25 MR. HERRON: I think we're

Deposition of Cheryl Wahl, taken May 20, 2014

Page 66

1 done.

2 MR. BULEA: We'll read.

3 (Deposition adjourned at 3:58 p.m.)

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1 THE STATE OF OHIO,) SS:
COUNTY OF CUYAHOGA.)

2
3 I, Gretchen E. Windenburg, a Notary Public
4 within and for the State of Ohio, duly
5 commissioned and qualified, do hereby certify
6 that CHERYL FORINO WAHL, was first duly sworn to
7 testify the truth, the whole truth and nothing
8 but the truth in the cause aforesaid; that the
9 testimony then given by her was by me reduced to
10 stenotype in the presence of said witness,
11 afterwards transcribed on a computer/printer, and
12 that the foregoing is a true and correct
13 transcript of the testimony so given by her, as
14 aforesaid.

15 I do further certify that this deposition
16 was taken at the time and place in the foregoing
17 caption specified. I do further certify that I
18 am not a relative, counsel or attorney of either
19 party, or otherwise interested in the event of
20 this action.

21 IN WITNESS WHEREOF, I have hereunto set my
22 hand and affixed my seal of office at Cleveland,
23 Ohio, on this 14th day of July, 2014.

24 _____
Gretchen E. Windenburg, Notary Public
25 within and for the State of Ohio
My Commission expires March 15, 2015.

Deposition of Cheryl Wahl, taken May 20, 2014

Page 68

1 STATE OF _____)
) SS:

2 COUNTY OF _____)
3
4

5 Before me, a Notary Public in and for said
6 state and county, personally appeared the
7 above-named CHERYL FORINO WAHL, who acknowledges
8 that she did sign the foregoing transcript and
9 that the same is a true and correct transcript of
10 the testimony so given.

11 IN TESTIMONY WHEREOF, I have hereunto
12 affixed my name and official seal at
13 _____ this _____ day of
14 _____, 2014.
15
16
17

18 _____
 CHERYL FORINO WAHL
19
20

21 _____
 Notary Public
22

23 My Commission expires: _____
24

25 gew

Deposition of Cheryl Wahl, taken May 20, 2014

Page 69

1 DEPOSITION ERRATA SHEET

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24 CHERYL FORINO WAHL

25

Deposition of Cheryl Wahl, taken May 20, 2014

Page 70

1 DEPOSITION ERRATA SHEET

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SIGNATURE: _____ DATE: _____

24 CHERYL FORINO WAHL

25

A	39:22,25 40:5,7 41:1,11 50:19,22 51:3 52:13,19 54:4 answered 51:25 answering 51:7 52:6 53:8 answers 52:24 anticipated 12:2 anybody 8:23 35:9 58:10 APPEARANCES 2:1 appeared 68:6 appears 32:19 38:1 54:7 59:3 62:13 64:23 applicable 21:25 application 20:7 23:9 25:17 26:2 27:1 28:3 29:3 41:12,16,17 51:25 57:1 58:18 61:17 61:20 62:2,4,7,16 62:19 applications 25:9 30:13,21 35:2,12 39:1 60:11 appropriately 48:20 approved 43:11 area 21:16 25:24 42:4,21,22,24 43:3 45:7 Ashtabula 42:15 43:18 44:9 45:5 45:13 Aside 30:16 asked 15:22 52:8 63:24 asking 5:1,15 47:7 assert 5:20 assigned 8:18 assist 36:16 associate 12:15,18 13:11	assume 5:16 12:25 25:3 assumed 48:21,23 49:12,15,17 assuming 43:23 attached 33:18,22 33:23 attended 13:13 attorney 67:18 audit 7:22 auditing 7:12 available 24:19,20 24:23 25:1 54:4 57:11,12 Avenue 60:2 aware 5:22,25 19:21 63:19	B back 13:4 19:14 23:15 26:15,18 47:21 51:13 64:15 bad 15:17 Barbara 38:19 Barnes 38:17 based 26:20,22 27:8,13,15 37:1 basically 5:5 Bates 34:2 37:18 46:9 Baumann 59:2,7 59:14,18,21 Baumann's 59:4,12 began 12:6 beginning 63:14 behalf 2:2,7 16:19 54:3 62:21 belief 29:4,5 33:7 believe 10:18 14:18 15:14 16:7 22:22 23:23 26:4 32:9 33:4,6,19 35:23 38:12 41:14 48:23 52:22 55:5 57:2 59:14,15 60:3 best 35:4	better 17:13 beyond 26:8 Bianca 38:17 bill 16:23,24 billing 36:12,20 37:2,12,23 39:4,8 40:2,11,12,16 41:8 bit 13:4 16:3 Blanca 38:16 board 7:22,23,24 body 7:24 21:23 boss 34:11 38:12 bottom 51:22 breach 4:20 break 51:10 briefly 7:17 broad 7:18 building 24:6,7 60:2 buildings 43:7 Bulea 2:8 5:19 6:7 31:2,14,19 44:16 50:9 66:2	30:4,14,16 35:23 46:15 47:10,16,18 47:21 48:9,14,21 48:25 49:8,13,17 49:20 50:1,11 55:13 65:6 Carole's 27:16 case 1:6 4:19,21,24 9:22,23 10:3,7,17 11:23 21:24 32:11 32:13 36:6 58:6 60:18 63:13 cases 64:14 Catholic 13:5 cause 40:24 41:3,4 67:8 cc 34:18 cc'd 30:6 Center 11:8,18 18:4 19:18 24:15 58:6 CEO 7:21 certain 16:25 32:10 33:5 37:10 certified 4:5 certify 67:5,15,17 CGS 11:3,4,12 14:15 18:19,21 19:12,23 20:1,4,6 21:24 22:17,18 23:6,16 24:9 26:25 27:8,11,14 27:18,21 28:1,18 30:11 41:6,15 43:11 44:10 45:24 46:16 47:10 48:5 50:2,18,21 51:2 53:6,16 54:3 58:21 64:19 65:12 65:16,19 CGS's 49:4 54:13 change 69:2,4,5,7,8 69:10,11,13,14,16 69:17,19,20,22 70:2,4,5,7,8,10,11 70:13,14,16,17,19
----------	--	--	---	--	--

70:20,22 changed 13:1 56:19 changing 13:7 chart 32:19,23 33:1 33:12,17,23 Cheryl 1:12,14 3:1 4:1,7,11 67:6 68:7 68:18 69:24 70:24 chief 6:24,25 7:7,16 13:22 Christina 35:19 64:10 Circle 42:4 Civil 1:16 4:4 claimed 48:14,21 49:18 claiming 49:8 clarification 5:15 21:18,20,22 22:1 22:5 classifications 37:5 classify 37:5 clearly 54:5 clerical 8:5 Cleveland 1:21 2:5 2:10 67:22 client 5:2 clients 17:7 code 45:7 colleagues 14:19 column 33:18 come 40:9 comes 4:12 coming 28:19 commencing 1:21 Commission 67:25 68:23 commissioned 67:5 committee 7:22 community 50:4 company 39:4,8 40:2 complaint 14:4,23 14:24 complete 17:6 19:1 19:2 43:10 56:16	completed 19:11 20:1 36:9 completing 16:17 18:22 20:17 completion 58:20 compliance 6:24,25 7:8,9,10,13,16,22 8:1,9,17,22,24 9:1 9:3,8 12:6 13:22 20:19 21:6,8,15 40:23 64:13 computer/printer 67:11 concern 15:2,4,6 29:8,9 40:24 41:3 41:4 51:2 concerned 14:25 15:3 25:23 concerns 20:10 29:14 35:6,9 conference 44:3,10 44:12,15,18,19 45:18 conferenced 44:24 conferencing 45:22 confined 42:3 confirm 47:14 connection 10:21 considered 36:12 consult 57:18 consulted 31:9 contact 11:1 20:12 21:11 22:6,12,20 22:24 23:7,18 25:8,16,20 26:5 26:11 28:2,14 29:2 30:12,20 34:24 35:11 41:7 49:5 50:19,22 51:3 57:9 58:9,16 59:7 62:3,6 65:7 contacted 21:3,6,8 28:18 45:13,16 contains 56:15 content 31:7 contention 23:21	50:24 contract 11:6 37:8 37:15 contractor 11:5,14 11:15 18:8,13 contractors 18:7 contracts 19:18 conversation 29:13 31:12 35:24 40:20 46:15 47:5,14,23 48:24 49:1 55:1,5 conversations 10:19 11:17 24:8 27:10 28:4 50:1,2 63:25 64:8,21 65:2,3,4,6,12,21 copied 14:3,6 33:10 copies 24:22 65:10 65:18 copy 24:19,21,23 34:19 50:13 55:16 55:23 56:2 58:25 correct 8:11,15 9:14,15 11:7,11 11:13,14 12:7,8 13:2 17:8,11 18:1 18:20 19:9,10,12 19:15 20:4,8,21 22:3,4,11 26:3,4,9 26:14 27:9,14,18 27:19,21,22 28:9 28:11 30:2,5,10 32:21 33:18 34:8 34:12,16 35:16,19 35:20 37:15,25 39:1,4,9 41:9 42:4 42:6 43:3,6,7,11 43:15 44:6,11 45:15,18 46:10,17 47:1,2,16 48:2,3,4 48:11,22 49:2,5 49:14,18 50:12 52:15,20 53:14,17 53:21 54:1,6,10 55:2,8,11,14,16 55:19 56:11,17,21	57:11 59:23 60:6 60:13,14 61:10,18 62:4,9,12,16 64:17 67:12 68:9 correctly 12:5 correspondence 14:8 27:25 28:5 29:12,24 51:5 53:24 60:25 62:25 counsel 12:1,15,18 13:12 30:24 31:4 31:9,16 67:18 counties 42:9 county 67:1 68:2,6 couple 36:4 53:12 course 5:6 21:17 64:24 Court 1:1,18 credentialing 36:17 culmination 61:15 culture 41:5 currently 6:21 customer 48:5 CUYAHOGA 67:1 <hr/> D D 1:4 date 1:22 10:14 69:23 70:23 dated 34:7 35:14 39:13 46:12 47:22 50:12 61:2 day 1:22 34:21 46:6 67:23 68:13 dbulea@thinkgk... 2:11 deceptive 41:1 Defendants 1:10 2:7 degree 41:22 delegate 20:23 dentists 17:1,4 department 11:6 11:19 12:10,12,13 12:14 18:3 30:25 depending 37:13	Depends 36:23 37:8 deposition 1:12,14 3:1 4:15 63:15 66:3 67:15 69:1 70:1 depositions 42:8 described 7:17 designed 7:13 desk 26:3 43:17 45:14 60:9 details 21:9 determination 20:6 determine 18:21 22:19 25:6 54:17 54:22 56:7 determined 40:1 determines 17:14 17:15,16 dial 44:5,20,21 45:4,7,9 different 5:11 12:10 16:5 17:2 31:13 52:18 direct 20:22,24,25 27:10 29:23 45:7 65:21 directed 16:8 21:4 direction 14:25 directly 8:7 11:20 20:25 21:14 25:24 26:9,13 28:1,17 29:1,6,21 30:7 34:13 44:5 45:13 45:16 51:23 52:10 52:15,16 54:1 director 37:23 Directors 7:25 directory 58:12 disclosure 31:10 disconnect 46:2 disconnected 45:23 discuss 12:1 31:3 35:18 64:4 discussed 25:10 35:22
--	---	--	---	---

discussion 49:16 50:5	12:9,19 13:8 37:7 37:10,14 42:1	expected 28:17 52:13	five 4:18 13:10 39:9	gal 47:10
discussions 26:21 26:23 27:5	employee 21:19 58:10	expecting 52:18	flipping 60:16	general 12:15,18 13:12
dishonest 40:4	employees 40:25	expires 67:25 68:23	follow 47:11	gestures 6:13
dispute 38:2	employer 16:7	explained 50:3	followed 17:10	gew 68:25
DISTRICT 1:1,1	engage 65:15	extension 45:4,9	following 60:15	Giffen 1:19 2:9
division 1:2 11:11	enroll 16:17	extent 5:25	follows 4:6	give 6:11 18:6
doctor 16:16,22,24 45:25	enrolling 15:11 16:15	external 21:23	follow-up 23:24 62:18	given 4:14 15:1 29:2 31:8 67:9,13 68:10
doctors 17:4	enrollment 15:9,9 16:9 18:22 19:1	e-mail 14:7,14 25:11 29:11,21 34:5,19 35:14	foregoing 67:12,16 68:8	giving 39:22,24
doctor's 9:5	23:9,19 29:3	37:18 38:5,8,14	Forino 1:12,14 3:1 4:1,7,11 67:6 68:7 68:18 69:24 70:24	go 5:23 13:15 20:23 20:25 26:15 32:9 34:1 42:20 46:9 50:6 57:7 58:24 64:3
document 10:5 19:7	30:13,21 36:10	39:3,6,12,16,18	form 15:13,15,19 15:20,22,25 16:1 16:2,6,12,16,17 17:6,19,19,21,22 19:2,6 20:7,13,17 22:15 23:9,19 25:17 27:2 41:21 43:10 54:7,11 55:19,21,24 56:2 56:5,16 57:1 58:18	going 5:1,5,20 13:4 17:6 23:25 31:3 43:8
documentary 63:18	53:16 58:17	40:21 46:10 47:9 47:13,22 50:11 51:1 53:13,20,23 54:8 55:7,10 56:24,24 58:25 59:4,12 61:5,7,9 61:14 65:16,21	forms 15:1,8,10,17 17:11 18:2,8,22 19:1,11,20,25 20:4 22:19 26:2 26:12 28:3 36:10 58:20	governing 7:24
documentation 9:20,25	ensure 7:13	e-mails 10:8,15 14:3,5,10,23 21:5 23:11,15 25:12 27:25 30:6 34:2,7 34:10 61:16 62:11 62:14 63:9 64:25 65:18	forth 1:22	government 10:23 10:25 11:4,5,12 11:14 16:1
documents 22:1,16 23:5 32:7 33:17 33:21 63:12	ensuring 48:19		forward 46:21 55:23 56:1,24 65:18	graduate 13:17
doing 23:2 46:7 54:14	entirety 7:1	F	forwarded 34:21 34:22 55:10 59:3	greeting 52:1 54:5
Don 6:4	entities 8:9 19:17	facilities 42:5	Fourth 33:18	Gretchen 1:17 6:12 67:3,24
Donald 2:8	entity 8:18 12:22 13:8 14:17	fact 31:11	frequently 5:21 57:19	group 10:7,17
Dr 9:2	ERRATA 69:1 70:1	Fair 5:18 6:6 32:1	fresh 17:22	groups 36:25 37:4 37:4,12 43:1
drafted 17:24 18:3	Esq 2:3,8,8	familiar 24:13 40:18 56:9	function 41:2	guess 31:21 42:20 50:10
drive 57:24	ethical 41:5	far 20:9 36:15 42:13,16,18	functions 50:3	guidance 18:23 22:17
dual 7:21	ethics 7:9,10	Federal 1:16 4:3	further 31:20 42:20 67:15,17	Gupta 61:22 63:2
duly 4:4 67:4,6	Euclid 24:6 60:2,2	fee-for-service 52:9	G	Gupta's 62:16
duties 7:7,15 9:8	event 67:19	felt 49:7		guy 44:1
	events 6:18	field 15:3,5		G-U-P-T-A 62:1
E	exactly 16:6 41:2 53:4	filling 15:1 17:11 17:20		H
E 1:17 67:3,24	examination 1:15 3:3 4:3,7	findings 27:6		hand 67:22
earlier 32:12 42:8 50:16 56:9 63:24	examined 4:5	first 4:4 21:3 32:17 32:18 33:11 34:6 35:5 39:16 67:6		handed 32:5
east 1:20 2:10 42:14	excerpts 23:10			handle 64:14
EASTERN 1:2	exchange 34:5			handled 9:3,9 21:17 23:23 43:13
effect 56:6	exchanges 29:21 65:16			
effective 9:16	exhibit 3:6 32:3,6 32:17,18 33:12 63:9,16,20			
either 5:11 6:17 11:18 25:2 34:25 38:16 59:8 67:18	expectation 28:25 53:7 54:9,13			
employed 4:23 6:21 8:13 9:18	expectations 23:7 23:17 25:7 30:11 49:4			

handwriting 12:5 hang 45:21 happens 5:21 hard 57:23 Hasselstrom 38:9 health 1:8 11:7,19 12:20 13:5,6 18:3 Healthcare 12:24 heard 38:23 Heights 24:4 held 7:4 hereinafter 4:5 hereunto 67:21 68:11 Herron 2:3 3:4 4:8 6:3 31:6,17 39:11 51:9 53:3 65:25 herronlaw@msn... 2:6 HHS 11:11 Hirter 38:19 hold 12:16 44:2 45:4 home 59:8 Honestly 21:2 hope 61:21 hospital 12:23 43:6 58:11 hospitals 1:7,8 5:4 5:6 6:22 7:1,25 8:10,14 12:11 13:24 15:15 37:14 49:22 58:2,4 hospital's 30:25 human 11:7,20 18:4 36:18 64:9 <hr/> I <hr/> identified 37:25 identifier 41:20 identifies 53:18 59:9 important 5:10 inaccurate 49:9 include 36:20 included 14:10	27:18 63:19 including 37:20 independent 30:9 INDEX 3:1 indicate 16:7 58:21 indicated 47:11 56:9,23 indicates 39:3,6 Indicating 24:2 individual 53:14 individuals 8:8,20 14:11,12,16 37:20 38:7 39:7,14 43:8 61:16 64:19 influence 6:16 information 18:8 29:3 41:17,18,21 46:21 47:3,17 48:10,13,18 49:12 49:17 54:15,18,23 informed 30:4 initial 14:7 Initiatives 13:5 input 30:18 inquired 20:19 50:18 inquiry 25:4 instructed 62:8 instructing 40:4,25 instruction 39:19 39:20,22,24 instructions 17:12 17:14,15,17,18,20 17:24 18:2 19:4,6 19:8 22:16,23 23:10,12 26:16 56:16 integrity 24:14 25:6,14 56:10,15 56:19 57:4,7,16 57:21 61:9 intended 5:17 interested 67:19 internet 57:22 interpret 19:3 39:18 40:3	interpretation 40:10 interpreted 59:15 59:17 investigated 48:20 investigation 10:21 28:14,24 30:3,9 32:21 54:16,22 63:21 investigations 9:9 involved 14:1 21:23 36:5 involvement 10:1 58:19 IRS 17:24 issue 20:15 25:20 28:15,19,24 29:22 31:16 65:7 issued 17:18 22:17 23:6 issues 14:1 24:16 28:13,23 35:1 36:18 64:5 65:23 Italian 4:13 Italy 4:12 <hr/> J <hr/> January 9:17 Jewish 12:23 job 57:19 Johnson 1:4 5:3 8:11 10:11,16,24 14:2 20:11 21:10 29:5,14 34:11,15 34:20,23,24 35:10 36:3,4,5 37:20 38:11 43:14 46:23 50:12,20 51:20 53:5,20 54:9 55:8 55:10 56:2 59:1,5 61:1,6,15 62:8 64:1,4,6 65:8 Johnson's 15:4 29:4 43:17 45:14 51:1 60:4,9 65:22 Jordan 38:9	July 8:4,20,25 10:13 19:14 24:1 24:18 26:18 33:14 33:16 34:6,7,8,10 35:6,6,8,15 39:17 46:7,12 47:22 50:12 53:21 55:8 57:14 58:4,13 61:3 67:23 June 19:14 39:13 <hr/> K <hr/> Kaminski 1:20 2:8 2:9 keep 13:7 24:22 64:15 65:5 Keith 9:2 Kentucky 12:21 13:9 kept 10:1 Kerin 2:8 key 63:9 Kim 53:14,20 54:3 54:8,12,18,23 55:6,7 56:25 Kim's 53:23 kind 4:19 21:1 kkaminski@thin... 2:12 knew 62:14 know 5:22 6:5 8:11 9:18 13:3,6 16:2 20:9 22:8,14 26:16,18 28:6 29:8,9,18 32:14 33:3,5 34:13,18 35:8 38:7,8,11,13 38:16,19 40:12 41:25 43:22 44:12 45:12 46:19 48:4 48:8 49:24 53:11 56:4,23 57:3,6 58:13,23 60:15,19 62:10,23 63:1,4,9 65:17 knowledge 49:20	54:21 56:1 65:15 known 13:3 Kristine 38:21 <hr/> L <hr/> lack 17:13 language 45:19 largely 60:20 latitude 18:6 law 12:13,14 13:13 13:15 lawful 4:2 lawsuit 5:2 learned 30:3 35:5 legal 13:23 30:25 31:4,9,15 letter 10:9,10,12,15 29:25 55:6 60:22 61:1 let's 32:17 34:1 35:18 licensed 13:19 line 40:12 44:5 45:2 45:6,8,24 51:22 59:19 60:5 69:2,5 69:8,11,14,17,20 70:2,5,8,11,14,17 70:20 listed 34:18 listen 28:8 little 13:4 16:3 LLC 1:20 2:9 located 24:3,5 43:2 location 59:10,22 60:1,4,5,11 63:4 64:3,9 long 7:4 9:11 12:16 13:8 28:22 31:20 57:14,17 longer 9:13 look 22:12,15,15,19 22:23 23:15 24:24 26:15 53:11 55:21 57:7 looked 28:23 29:18 55:19,24 56:3,5
--	---	---	--	--

56:25 57:3 looking 14:13 32:14 loop 64:16 lost 6:4 Louisville 12:21 13:9 love 4:12 Lyn 2:8	Medicare-eligible 43:9 medication 6:16 Medina 42:19,21 meet 29:16 meeting 31:11 Meisler 8:21,25 9:7 9:25 10:19,20,25 11:17 14:9 22:3,5 23:21 24:9 25:1 27:17,23 30:4,17 33:4,8 35:16 46:10,15,22 47:4 47:21 48:9 49:20 50:11,17 54:21 55:2,11,13,18,23 56:1,23 62:23 63:22 64:12,19 65:7,10,15 Meisler's 24:5 Melissa 46:16 47:1 47:5,15,18,24 48:1,4,6,9,11,14 48:22 49:1,8,13 49:18,21,22 55:2 55:5 Melissa's 46:19 48:8 memorized 23:14 met 29:17 48:6 minds 17:23 minutes 19:5 51:6 misleading 40:7 missed 31:24 misunderstood 6:1 moment 30:24 31:18 50:15,16 month 17:23 Morrison 35:15,19 35:21 64:10 MP 40:12,14 M-A-C 18:16,18 M-A-C-S 18:14 M-A-X 18:16,18	name 4:9,13 9:5 13:6 36:5 46:16 46:19 48:8 53:14 54:6 61:21 68:12 named 47:23 names 38:23 39:7 nature 8:5 14:22 63:18 necessarily 18:6 43:5 needed 41:13 never 29:17 46:25 48:1,6,9 53:8 Ninth 1:20 2:10 nods 6:12 normal 21:17 47:12 north 42:20 northern 1:1 42:6 Notary 1:18 67:3 67:24 68:5,21 note 11:23 notes 9:22,23 10:3 10:7,17 11:1 32:11,13 65:5,11 number 15:7,14 20:12,16 21:11,12 22:6,12,20,24 23:8,18 25:8,16 25:21,23 26:1,3,5 26:6,11,12,24,24 28:2,14,19 29:2,7 30:10,12,20 34:3 35:2,11 41:7,10 41:11 43:17 44:8 44:11,20 45:8 49:5 50:19,23 51:4,23,24 52:11 52:14,17 53:25 57:9 58:1,3,5,8,13 58:16,16,22 59:7 59:8,19 60:9 62:3 62:6 65:8 numbers 58:5 Nurse 16:25 nutshell 7:6,7	O objection 5:20 6:8 31:2 occurred 6:19 31:12,12 47:15 offer 18:23 office 8:1,1 15:7 21:7,8,12 24:3,4,5 24:6,7,21 25:25 35:10 36:3,8,11 36:13,14 40:11,11 43:7,13 44:3 45:3 63:21 64:3 67:22 officer 6:24,25 7:8 7:16 8:17,22,24 9:1,3,8 12:6 13:22 21:15 40:23 64:9 officers 8:9,17 64:13 offices 1:19 43:5 60:1 official 68:12 Oh 50:8 Ohio 1:1,19,21 2:5 2:10 13:19 42:6 67:1,4,23,25 Okay 5:12,13 6:13 32:16 34:4 45:1 ongoing 25:5 online 24:23 25:2 55:18 57:12 operator 58:1,3,11 58:22 order 45:17 oversee 7:9 overseeing 23:2 oversight 9:10 owned 13:5	69:2,5,8,11,14,17 69:20 70:2,5,8,11 70:14,17,20 pages 32:6,8,18 34:6 53:11 58:24 page-by-page 32:10 Pankaj 61:22 62:16 63:2 paper 24:22 25:2 part 11:10 19:6 23:11 32:20 57:19 62:3 63:13 participate 28:7 participated 44:23 particular 8:18 32:23 parties 4:23 party 4:21 67:19 pass 29:19 patch 44:4 patches 43:21 patient 16:14 patients 17:7 43:9 pay 37:10 payment 16:8 pending 5:3 people 14:19 27:18 27:21 36:5 44:21 person 17:20 41:11 44:10 45:4,18,22 45:24 47:15 48:11 49:21 personal 65:2 personally 23:5,16 25:5 27:9,14 29:10 46:25 48:1 52:13,19 68:6 personnel 14:15,16 14:16 28:1 65:13 65:16,19 pertained 62:3 pertaining 14:2 pertains 63:20 phone 20:16 24:8 28:4,6,8,18 29:1,7
M MAC 18:15 MACs 18:9,10 main 58:1,3,5,8,21 management 36:17 manager 38:15 manner 5:17 manual 24:14,19 25:6,14 56:10,15 56:19 57:4,8,16 57:22 61:9 March 67:25 Mark 2:3 marked 32:3,5 material 30:14,16 matter 10:2,22 23:24 31:1 48:19 matters 9:4 12:2 24:11 64:1,10 ma'am 4:10 25:19 McLaughlin 61:6 61:14 mean 32:9 40:3,17 44:12 58:7,11 means 40:13 Medicaid 11:8,18 18:5 19:19 24:15 medical 16:16 40:14,15,16 41:22 43:7 58:6 Medicare 11:8,18 15:1,12 16:3,9,15 16:18,23,24 17:3 17:8,16 18:2,4,13 19:18 24:15 35:2 35:12 38:25	N		P P 2:3 packet 10:5 11:23 60:18 63:14 page 3:3,6 32:17 34:3 37:18 46:9 50:6 51:18 60:23	

29:15 35:1 39:23 39:25 40:5,7 41:1 43:24 44:8 45:8 45:14 52:6,13,19 52:25 53:8,25 54:4 60:5,9,9 63:25 65:5 phrase 40:17,18 physician 1:9 5:4 8:14 9:1,2 15:7 26:6 28:16 36:13 36:14,23 37:2,9 43:1,18 44:8 45:1 45:5,6,12,16 49:22 50:18,22 51:3 52:5 59:20 63:6 physicians 26:7,8 36:16,22,25 37:7 37:9,13 42:5 43:1 58:17 60:7 physician's 25:25 44:3,5 45:7 physician-related 9:4 piece 63:11 Pittsburgh 13:16 place 67:16 places 53:12 Plaintiff 1:5,15 2:2 4:2 Plaintiff's 3:7 32:3 please 51:13 point 21:13 23:4 33:15 40:21 41:7 46:23 53:4 56:5,6 57:5,8 62:12 policies 7:11 21:25 Ponitz 9:2,6 portion 7:2 33:12 position 6:23 7:4 12:16 possible 7:6 Possibly 42:2 practice 47:12 practices 40:14,15	40:16 practitioners 16:25 predated 55:6 preparation 9:21 prepare 33:1 prepared 33:4,6,9 prepares 15:17 preparing 19:19 presence 67:10 presently 13:20 presume 6:15 pretty 63:8 primarily 10:8 printout 60:19 prior 12:9,18 14:10 32:8 35:8 39:12 53:2,4 privacy 4:20 privileged 31:11 probably 22:17 32:6 53:12 57:17 58:15 63:10 problem 25:21 Procedure 1:16 4:4 procedures 7:12 proceed 5:14 proceeding 5:7 processes 7:11 processing 18:7 19:20 program 7:9,10 15:12 16:10 24:14 25:6,14 56:10,15 56:19 57:4,7,16 57:21 61:9 promote 41:5 pronouncing 61:22 proper 22:6,20,24 23:18 provide 13:23 17:7 22:1 27:24 33:8 43:8 53:24 62:8 65:10 provided 25:23 26:24 27:23 30:17 33:22,24 36:21	37:15 47:4 50:4 54:15 62:4,6 provider 15:9 16:16,20,21 18:22 18:25 19:1,2 23:8 23:19 26:6,8,13 28:16,17 29:1,6 30:21 36:10 38:14 41:13,15 52:2,5,9 52:16,19,20,23 53:1,7,16,25 58:17 59:9,10 61:21 62:15 63:1 63:5 providers 17:2 18:23 36:16 59:22 59:25 60:6,12 provider's 54:6 62:2,21 providing 39:19,21 54:18,24 psychiatrists 17:5 psychologists 17:1 Public 1:18 2:4 67:3,24 68:5,21 purely 8:5 purpose 48:19 purposes 47:5,6,8 47:19 48:15,17 pursuant 1:15 4:3 put 23:8,18 25:8,16 26:1,12 28:2 30:12 35:2,12 44:1 45:3,8 51:24 52:25 58:9 60:10 putting 15:18 17:13 21:1 P-A-N-K-A-J 62:1 P-O-N-I-T-Z 9:6 p.m 1:21 51:11,11 66:3	5:14,24 15:21 20:20 21:10 25:13 28:22 31:15,22 39:5,10 51:7,13 53:2,4 questioning 20:16 20:18 questions 5:1 18:24 27:1 41:12,14 quick 5:20 Quite 5:20 quote 26:17 39:8 quotes 61:9 quoting 54:7	48:14 59:1 62:11 receiving 56:24 receptionist 52:23 52:24 Recess 51:11 recollect 6:18 recollection 35:4 60:17 64:18 record 4:10 51:15 reduced 67:9 reference 33:17 49:15 referenced 11:22 14:22 33:21 60:22 references 10:18 11:16 referencing 54:11 referred 11:12 21:15 32:12 referring 7:23 9:24 16:21 22:2 44:22 51:18 refers 40:14 reflection 48:24 reflects 46:14 refreshing 60:17 regard 27:4,7,12 regarding 12:2 19:19 23:7,17,18 24:11 25:7,16,20 28:2 34:25 35:1 35:11 38:25 41:15 49:4,5 57:9 64:10 65:7,11,23 regulatory 7:13 reimbursement 16:10 17:3 rejected 20:8 61:18 61:20 62:2 rejection 62:15 relate 49:21,25 50:1 65:1 related 9:10 14:3 16:10 27:20 47:18 61:20 62:15 64:21 64:24
--	---	--	---	---

relates 47:22 48:10	21:5 23:5,23 25:5	30:18,24 31:4	Sound 61:24	submit 43:10
relating 48:25	25:14 27:5,15	41:18	source 27:3 30:18	submitted 16:2,19
49:13	51:5,10 62:18,24	seen 32:7,23 39:12	south 42:18,21	19:12,25 20:1
relation 10:1	reviewed 9:20,22	39:15	space 24:6	62:19
relationship 36:23	10:6,17 11:2,24	sense 5:9	speak 5:10 6:5	submitting 16:12
37:1	21:25 23:11,13	sent 25:13 34:20	64:16	16:15
relative 5:2 67:18	25:10,12 30:14	38:8 39:14 53:20	specializations	substance 49:1
relay 28:3	60:18	separate 19:7	41:24	Suite 1:20 2:4,9
relied 27:20 47:7,9	reviewing 30:16	series 61:15 62:11	specific 10:14 15:6	sum 7:19
49:9	63:13	62:14	16:4,6 31:16	summary 32:19
rely 47:3,13,17	reviews 20:4	serve 8:8 9:11	specifically 10:6	supervisor 40:24
48:13,17	Riddle 34:11,15,20	served 8:23	14:13,21 15:2	supervisors 14:20
remember 11:3,25	37:19,23 39:3,6	service 36:12,13	23:1 25:18 41:25	21:7 64:5 65:22
14:7 21:9 29:24	39:13 40:3,20,25	41:8 48:5 57:25	specified 67:17	supposed 22:20,25
36:1	64:6	services 1:9 5:4	spoke 29:15 35:23	sure 6:1,10 15:21
repeat 26:10 28:21	right 11:13 15:24	8:14 11:7,9,19,20	46:25 47:10 49:20	16:6 19:7 24:20
rephrase 5:12	16:22 17:25 18:5	12:24 17:7 18:4,5	64:19	24:25 25:12 41:23
report 7:20,21	18:14,19 19:6	19:19 24:16 36:14	spoken 48:1,9	42:10,23,25 43:19
20:25 33:22 64:15	20:2 24:1 31:19	36:19,20,21 37:2	Square 2:4	45:11 51:8
reported 8:7 34:13	42:11 53:18 59:24	37:11,17,24 38:15	SS 67:1 68:1	sworn 4:4 67:6
Reporter 1:18	60:1 61:2,22,24	40:12,16 43:9	staff 8:2,6 39:19,21	system 1:8 7:3,11
reports 20:22,24	64:16	49:23	39:24 40:4 64:13	12:20 13:7 43:24
reproduced 63:10	ring 60:11	set 1:22 7:18 18:25	stamped 34:3	57:15 60:20
required 53:24	risk 36:17	44:9 67:21	37:19 46:9	
requirement 26:5	role 19:23 40:23	Shaker 24:4 45:3	start 32:17 34:1	T
26:11,17,19	rules 1:16 4:3	Shamekia 61:6	starting 34:2	take 6:12 13:11
requirements 7:14	17:10 18:21,25	shared 23:3	state 1:19 4:9 13:19	19:23 46:25 51:6
30:19 41:6		SHEET 69:1 70:1	50:20 52:7 53:5	51:10
research 22:10,11	S	Sheryl 38:11 64:6	54:6 67:1,4,25	taken 1:16,19
22:14 27:16,17	Sandusky 42:17	she'll 6:1	68:1,6	32:20 57:14 67:16
30:10	saying 22:2 23:13	sign 68:8	stated 49:8 53:8	talk 22:18 23:16
researched 30:15	37:16	SIGNATURE	54:8	talked 50:15,16
30:17	says 26:17 38:14	69:23 70:23	states 1:1 52:12	63:14
resource 36:18	51:22 52:8	signed 29:25	53:23 54:3	talking 14:23 27:18
resources 64:9	school 13:13,15	similar 17:19	stating 51:20 52:3	tax 17:19,22
respect 9:7 20:11	seal 67:22 68:12	simple 31:22	52:4 54:12	Telepathic 50:9
23:6 30:19	secretaries 8:5	simply 31:8 47:14	stemmed 61:17	telephone 15:3,5
responded 55:13	secretary 52:20,24	sir 4:16	stenotype 67:10	50:19,22 51:4
responses 6:11	sections 32:13	sit 24:8	steps 32:20	65:2
responsibilities	see 4:12 22:24	situation 19:14	Steve 37:19	tell 6:2 29:5,10
7:18	25:15 37:21 38:14	Sohn 38:21	stick 36:6	term 28:17 44:14
responsibility	39:16 50:25 51:20	somebody 22:18	stored 57:23	57:1
64:12	57:4,8	45:2 58:8	street 1:21 2:10	testified 4:5 19:5
rest 62:24	seeing 11:23 58:25	sorry 26:10 28:21	29:19	testify 6:18 67:7
result 30:3	61:7 63:16	39:5,11	strike 58:2	testimony 9:21
review 10:3 11:16	seek 21:18 22:5	sought 21:20,21	subject 38:25	12:3,25 30:1

35:25 67:9,13 68:10,11 therapists 17:1,4 thereto 16:11 think 9:17 17:18 19:5 20:10 21:2 24:14 30:7 31:9 31:14 42:8 50:24 63:8,24 65:25 three 12:17 32:18 time 5:8 12:23 23:25 25:4 38:5 38:13 40:21 41:7 44:21 56:6,20,20 56:20 57:5,8 62:12 67:16 timeframe 25:15 times 46:5 63:10 Tina 35:18,18,24 title 12:14 38:3,13 today 5:2 6:18 9:21 30:2 32:8,24 38:23 39:12 told 26:1 27:9,13 27:21 48:22 49:13 50:21 51:2 52:4 52:12 53:6 60:10 top 35:14 totally 6:3 touch 58:9 training 7:12 9:9 transcribed 67:11 transcript 18:17 67:13 68:8,9 transferring 46:1 tried 7:19 true 67:12 68:9 truth 67:7,7,8 truthfully 6:18 try 21:18 22:18 TUESDAY 1:12 two 6:19 34:6 61:16 type 5:15 41:14,18 44:23 54:22 63:5 types 16:25 17:2 37:4	<hr/> U <hr/> UH 5:5 6:23 7:8 12:6 13:12 14:15 15:19,22 17:15 19:8 37:5 41:5 42:3,4,14 43:2 50:4 58:9,10 UHPS 8:13,21,24 9:8,10,14 36:24 37:11,12 50:3 54:14 UHPS's 60:1 Uh-huh 50:7 56:12 61:11 ultimately 20:19,20 34:19 unclear 5:23 undersigned 1:17 understand 5:8 6:6 15:21 16:13 21:2 understanding 9:13 25:19 26:20 26:22 27:3,7,12 27:15 30:1 36:2,7 36:9,15 39:10,20 42:13 46:14 47:20 understood 5:16,18 undertake 54:16 54:21 undertook 63:22 unique 41:20 UNITED 1:1 University 1:7,8 5:4,6 6:22 7:1,25 8:14 12:11 13:16 13:23 15:15 37:14 42:4 49:22 58:2,4 unquote 26:17 up-to-date 24:18 use 20:16 21:11 28:15,16 40:19 45:18 58:16 uses 59:21 <hr/> V <hr/> valid 53:24	validation 47:9 variations 16:5 variety 30:6 various 8:9 34:1 39:14 verbal 6:11 verify 41:17,19 Victoria 1:4 5:3 8:11 14:2,9,18 21:6 25:21 30:8 36:3,6 37:20 43:14 45:14,17,21 46:22 47:12 50:12 50:20 51:1 52:3 53:5 55:7 56:2 59:1,5 60:4 61:1,6 62:7 63:25 64:4 65:8,22 Victoria's 38:12 voicemail 52:1 54:5 59:9 vs 1:6 <hr/> W <hr/> Wahl 1:12,14 3:1 4:1,7,11,14 67:6 68:7,18 69:24 70:24 want 41:8 51:6 wanted 41:10 wasn't 53:2 way 15:17 17:13 21:1 38:1 40:1 60:15 62:13 63:1 ways 59:16,17 weeks 10:4 11:24 weird 21:1 went 20:20,22 31:15 55:18 56:25 57:3 west 42:16 we'll 36:6 51:9 66:2 we're 13:3 65:25 WHEREOF 67:21 68:11 Windenburg 1:17	67:3,24 witness 5:21 51:10 51:12 67:10,21 words 39:9 59:21 work 63:4 worked 12:10,20 14:19 36:3,4,11 63:2 64:4 working 35:11 43:14 59:10,22,25 60:6,8,12 worth 32:7 wouldn't 22:8 29:18 32:11 write 18:16 writing 50:25 written 10:12 19:8 38:5 wrong 59:14 wrote 10:9,10 59:18 60:23 <hr/> Y <hr/> yeah 18:18 60:3,21 years 4:18 6:19 12:17 13:10 Youngstown 42:24 <hr/> 1 <hr/> 1:13-cv-2012 1:6 12 42:8 1300 1:20 2:10 14th 67:23 1436 34:3,5 1437 37:19 1438 34:5 1439 46:9 1442 50:6 1445 52:8 1449 51:19,20 1450 53:12 1451 53:13 1469 58:24 1470 58:24 1483 60:23 1485 61:5	1486 61:5 15 63:10 67:25 16 3:7 32:3,6,18 33:12 34:7,10 35:6,8 42:9 63:9 63:16,20 16th 34:25 1600 1:20 2:9 17 34:8 35:6,8,15 39:17 46:12 47:22 50:12 17th 34:25 19 53:21 55:8 1994 13:18 <hr/> 2 <hr/> 2:12 1:21 20 1:12 2005 7:5 12:6,9 2012 8:4,20,25 10:13 19:15 24:1 24:18 26:18 33:14 39:13,17 46:7 53:21 57:14 58:4 58:14 61:3 2013 9:17 2014 1:12 67:23 68:14 2015 67:25 216-280-2828 2:5 216-621-5161 2:11 23 61:3 29 39:13 <hr/> 3 <hr/> 3:01 55:8 3:09 55:11 3:25 51:11 3:27 51:11 3:40 55:13 3:58 66:3 32 3:7 <hr/> 4 <hr/> 4 3:4 44113 2:5
--	--	---	--	--

Deposition of Cheryl Wahl, taken May 20, 2014

Page 9

44114 2:10

7

75 2:4

8

80 32:6

800 44:20

844-1000 58:15

855 58:20

855I 15:13

9

920 2:4